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DEPT FOR AF A A/S CARTER, AF/SPG, AF/E, DRL
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SUBJECT: NGO EXPULSION WILL HAVE A MASSIVE IMPACT ON THE ABILITY TO
ASSIST CPA IMPLEMENTATION IN THE THREE AREAS

REFS: A. KHARTOUM 320

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[1](#)E. KHARTOUM 186
[1](#)F. 08 KHARTOUM 1455
[1](#)G. 08 KHARTOUM 1435
[1](#)H. 08 KHARTOUM 1427
[1](#)I. 08 KHARTOUM 1309

[1](#)1. (SBU) Summary. An initial assessment shows that the expulsion of NGOs will have a direct, negative impact on the key priority of the CPA to promote peace and stability in the volatile "Three Areas" bordering North and South Sudan. The expulsions resulted in major cuts in three types of programs: the provision of peace dividends (especially for assistance targeting high-risk areas,) capacity-building for the local governments to be able to carry out their fundamental responsibilities, and the promotion and support of direct peace and reconciliation actions. Donors' ability to respond to the expulsions before the initial impact is felt and absorbed in remote Three Areas communities is almost nil. Furthermore, existing NGOs in the area do not have the capacity or confidence to fill in the support gaps. Local government leaders from both the SPLM and the NCP in the Three Areas have woken up to the fact that the impact in their areas could be huge and potentially lead to further destabilization in the regime. With the leadership of Blue Nile State Governor Malik Agar, the states have raised their concerns to the highest levels of the SPLM and the NCP in Juba and Khartoum. Joint party meetings at the level of the Government of National Unity (GNU) Presidency, which involve the governors of Southern Kordofan and Blue Nile, as well as Abyei Administrator Arop, are underway to try and reverse the expulsion decree for the Three Areas but have not yet yielded any results. The GOS/HAC has approached three additional NGOs - Academy for Educational Development (AED), Samaritan's Purse, and Medicins du Monde (France)- to request a list of assets (AED and Samaritan's Purse are USAID partners,) but has not yet revoked their registration. We do not expect they will, given promises made by President Bashir to Arab League SG Amr Musa and African Union Chairman Jean Ping. End Summary.

IMPACT OF NGO EXPLUSION ON THREE AREAS

[1](#)2. (SBU) On March 8, the Three Areas Donors Steering Committee, composed of international donors with UN observers, met to discuss the impact of the GoS-mandated NGO expulsion on the Three Areas and Eastern Sudan (refs B-D). An initial assessment of the situation shows that the expulsions will directly impact the provision of basic services and recovery activities across the Three Areas. This is a blow to the delivery of peace dividends and will impact particularly heavily on areas of existing instability, such as the un-integrated SPLM-administered areas of the Nuba Mountains and

southern Blue Nile and Misseriya Arab areas of Kordofan (refs E-I). The expulsions will also impact the ability to deliver essential life-saving and humanitarian assistance in the Three Areas and Eastern Sudan. While the impact on the latter is certainly negative, it is not assessed to be debilitating. Three Areas expert, former UN Resident Coordinator for Abyei, and strategic advisor to the donors on the Three Areas Jason Matus regrettably told the group that the international community's ability to respond to the expulsion crisis before its initial impact is felt and absorbed in central and eastern Sudan is "almost nil."

13. (SBU) Essential programming supporting implementation of the CPA has been sorely affected as a result of the expulsions. Most notably, the expulsions seriously put at risk rehabilitation and recovery programming for the Three Areas and Red Sea State (approximately USD 20 million), the USAID-funded BRIDGE program that supports the CPA through the delivery of visible peace dividends to communities and builds the capacity of local government to engage with constituencies (USD 11 million for 2009), and USAID-funded support to the Abyei Administration to allow it to be operational (USD 5 million). The expulsions also severely affect programming support to conflict management and reconciliation in the Three Areas by halting rapid conflict prevention and response programs, conflict reduction activities such as water projects along migration routes, and civil society capacity building. Furthermore, the highly-anticipated and much-needed disarmament, demobilization, and reintegration (DDR) program for these areas will be hamstrung by the reduced availability of implementing partners to support reintegration.

14. (SBU) On the humanitarian side, the initial assessment shows that the expulsions will greatly impact the ability to deliver

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humanitarian assistance in the Three Areas and Eastern Sudan, but that current humanitarian needs "should be manageable" through existing mechanisms. According to Matus, the greatest impact will be on the ability to respond to future crises and natural disasters. Currently 40,000 people requiring food assistance are at risk in Abyei, yet it is possible that delivery of food assistance through expelled partners can be maintained from south Sudan or be transferred to other partners. However, accessing these areas from Juba has both policy and legal considerations as discussed below.

LACK OF ABILITY TO COMPENSATE FOR THE LOSS OF SUPPORT

15. (SBU) The international community's ability to support the CPA in the Three Areas and Eastern Sudan by delivering peace dividends, supporting integration, promoting peaceful co-existence and reconciliation, and providing civil society capacity building and civic education has suffered a major blow as a result of INGO expulsions. Particular problems are likely to surface first in the administratively-unintegrated and formerly-controlled SPLA/M areas that are under- or unserved by the GNU. They will rapidly feel the effects of the INGO expulsions on basic service delivery and peace dividends as these things were almost entirely provided by INGOs. Additionally, a number of programs and organizations that provided support to mechanisms of conflict prevention, mitigation, and resolution have been lost that could lead to violent outbreaks between fragmented communities such as the Dinka and Misseriya, particularly as disputes are related to highly sensitive seasonal migration movements. CDA Fernandez has repeatedly noted to senior SPLM leaders in the past days that they are going to pay a high price in some key areas because of the NCP's unilateral escalation.

16. (SBU) The assessment shows that even if the NGO expulsion decision was reversed, the prospect for returning to the previous level of activity before major milestones in the CPA arise is "nil." According to Matus, the operating environment, including the legal framework, institutional arrangements, and confidence in the Three Areas and Eastern Sudan have been seriously undermined. The Director of the Humanitarian Affairs Commission (HAC) Hassabo informed NGOs that their legal contracts are not valid under the current "special circumstances." This de- facto state-of-emergency makes it problematic for NGOs to operate and ensure the safety of staff and assets. Hassabo also indicated that more INGOs were under

investigation, and that it was likely more would be expelled.
(Note: The GOS/HAC has approached three additional NGOs - Academy for Educational Development (AED), Samaritan's Purse, and Medicins du Monde (France)- to request a list of assets (AED and Samaritan's Purse are USAID partners,) but has not yet revoked their registration. We do not expect they will, given promises made by President Bashir to Arab League SG Amr Musa and African Union Chairman Jean Ping. End note.) Development and recovery programs are particularly at risk given that they require more planning and initial capital investment. International donors cannot compensate for these losses before the major impact of this action will be felt in the short- and medium-terms, said Matus. This is because local governance capacity in the areas is already over-stretched. There is also a lack of capacity and confidence in the remaining NGOs and INGOs on the ground to fill the gaps (especially in conflict-sensitive programming.) In addition, there is a long time lag anticipated in re-establishing recovery and development mechanisms, and planned longer-term development programs must reconsider the feasibility of moving forward, given the uncertain implementation environment.

SENTIMENTS AND ACTIONS BY LOCALS ON THE GROUND

17. (SBU) While there was an initial lack of understanding of the potential impact of the NGO expulsions by local government actors when the decision was rendered by the GoS, these actors (in the Three Areas) are now keenly aware of what it means for their areas and are trying to do something about it. According to poloff and usaidoff discussions from March 7-10 with NCP and SPLM contacts in Southern Kordofan, officials from both parties believe that the recent loss of development funds will have a large impact on the population of the state. SPLM officials claim that the GNU is not providing services to its constituents and has now stopped the international community from providing services to their areas. According to the SPLM leaders, SPLM supporters in the area are under a growing impression that war provides more services than peace. They argue that their constituents were convinced to put down their weapons in return for the promise of peace and development. With the alleged NCP arming of Arab tribes and support to its Popular Defense Force (PDF) in and around Southern Kordofan, instability persists. Furthermore, SPLM officials claim that more NGOs operated

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in their constituent areas (especially SPLA/M controlled areas such as Kauda and Julud) during the conflict than at present, particularly with the NGO expulsion.

18. (SBU) NCP leaders from Southern Kordofan told usaidoff that the expulsion of NGOs will have "significant negative effects" on the population and could lead to instability. However, they indicate that since the decision was taken nationally, it must be implemented. Abdallah Toum, Advisor to the State Governor, downplayed the impact of the expulsions and told usaidoff on March 8 that private discussions of the situation at the state-level were underway. The governor added that the UN would cover the needs of the people in the short run. Abdallah Toum and the Speaker of the Southern Kordofan State Legislature Ibrahim Balandia told usaid off that negotiations between the NCP and the SPLM at the state-level were ongoing to suggest an exemption from the revocations in the state.

19. (SBU) Government of Southern Sudan Vice President Riek Machar and GNU Vice President Taha met on March 9 in Khartoum to discuss the expulsion of NGOs from the Three Areas. Blue Nile State Governor Malik Agar told usaidoffs on March 10 and that the meeting went "well," an analysis echoed by Yassir Arman to CDA Fernandez on March 10, but it is clear that the NCP and the SPLM are still in negotiations on this issue. Machar, prompted by Blue Nile State officials from the SPLM and the NCP, pointed out that the expulsion of organizations outside of Darfur would have a significant impact on the CPA, and that Blue Nile, Southern Kordofan and Abyei are special state cases that involve joint authorities between the SPLM and the NCP. According to Governor Malik, there is a subsequent meeting scheduled for March 15 during which Blue Nile state officials from both parties will jointly present the implications of the expulsion of INGOs on the CPA to VP Taha. The Governors from

Blue Nile and Southern Kordofan and Abyei Administrator Arop and their state teams will be present, as will representatives from the Humanitarian Aid Commission (HAC) and the Ministry of Foreign Affairs. Malik told usaidoffs that state officials will push to get the expulsion decision (in the Three Areas) reversed, which he believes could be agreed to. The Three Areas Donors Steering Group has advised Governor Malik that the states obtain a formal NCP-SPLM agreement to allow their governments to make legal arrangements directly with INGOs because. Unfortunately, a reversal of the expulsions alone will not provide the state governments with the results that they are looking for in the discussions, given the legal environment and continued threats and harassment coming from HAC. On March 10, NCP Political Chief Mandour Al-Mahdi told CDA Fernandez that there "may" be some room for flexibility on the expulsion decision in the Three Areas (ref A).

COMMENT

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110. (SBU) It is apparent that the expulsion decision will have (and has already had) a dramatic impact on the ability to support the implementation of the CPA and provide humanitarian assistance in the already volatile Three Areas. Precious dry season time in which to bring about peace dividends and provide basic services has already been lost in 2009 due to the expulsions. In the best case scenario, they could not be recovered until 2010 - one year before the CPA comes to an end. This scenario is possible only if a decision is made soon to allow INGOs to resume their activities in these areas. While it initially took some time for government actors in the Three Areas to realize the potential impact of the expulsions on their states, they have since then jointly discussed the problem and effectively raised the issue to the highest levels of the NCP and the SPLM in Juba and Khartoum. Part of this is thanks to Governor Malik's dynamic leadership in Blue Nile state. While we don't expect the NGO expulsions to be reversed in Darfur, there may be some flexibility within the NCP to do so - to some extent - in the Three Areas. Even with a miraculous turn of events, if NGOs could - and would be willing to (after all the harassment and the lack of due process of law) - resume their valuable work in the Three Areas, the prospect for returning to the previous level of activity before major milestones in the CPA arise is not possible. Sadly and dangerously, at the drop of a hat irreversible damage has been done in these very fragile and sensitive areas.

FERNANDEZ